

01-03.02

A
2003/01
10/03/01
12/27/01

UTILITY PATENT APPLICATION
TRANSMITTAL
(only for continuation and divisional
applications under 37 CFR 1.53(b))

Docket No.: P-OD 5078

Prior Application Info:
Examiner: A. Chakrabarti
Group/Art Unit: 1655

Address to: COMMISSIONER FOR PATENTS
Box Patent Application
Washington, D.C. 20231



23601

PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EL 857041619 US

DATE OF DEPOSIT: December 27, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER
37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE, AND IS
ADDRESSED TO: COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231.

Antonio De La Cruz
(TYPED OR PRINTED NAME OR PERSON MAILING PAPER OR FEE)

Antonio De La Cruz
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

This is a request for filing a
___ continuation X divisional

application under 37 CFR 1.53(b), of pending prior application
serial no. 09/724,764, filed November 28, 2000 (list only
immediate prior application).

Title: METHODS OF IDENTIFYING OPTIMAL DRUG COMBINATIONS AND
COMPOSITIONS THEREOF

Inventor(s) (full name of each inventor): Dale R. Pfoest

No abandonment of, or termination of proceedings, has occurred in
the above-identified prior application.

1. X An application based on the prior application as filed
and containing no new matter is enclosed, consisting
of:
1 page application cover sheet
58 pages of specification (includes claims and
abstract)
7 sheets of drawing(s).
2. X 3 pages of a copy of the oath or declaration as
originally filed May 22, 2001, in prior
application (37 CFR 1.63(d)), U.S. serial no.
09/724,764, filed November 28, 2000, is
enclosed.
3. ___ A signed statement DELETING inventor(s) named in the
prior application (37 CFR 1.63(d)(2) and 1.33(b)) is
attached.
4. ___ Nucleotide and/or Amino Acid Sequence Submission is
enclosed:
___ computer readable copy of sequence listing
___ paper copy of sequence listing, pages ___ through

___ Statement Under ___
___ Request to Use Computer Readable Form of Sequence
___ Listing From Another Application
___ Other:

jc893 U.S. PRO

12/27/01

10034882 122701

5. ☒ Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under item no. 2 of this form, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference herein.
6. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior application.
7. ☐ A preliminary amendment is enclosed.
8. Small entity status:
a. ☐ A small entity statement is enclosed.
b. ☐ A small entity statement was filed in prior application serial no. 09/724,764, and such status is still proper and desired.
c. ☒ is no longer claimed.
9. ☒ Amend the specification by:
☐ inserting before the first paragraph on page 1: or
☒ deleting the paragraph on page 1 regarding related applications and inserting therefor:

This application is a divisional of application serial no. 09/724,764, filed November 28, 2000, which claims benefit of U.S. provisional application serial no. 60/167,931, filed November 29, 1999, which are incorporated herein by reference.
10. ☒ Cancel in this application original claims 28-59 of the prior application before calculating the filing fee. (At least one original independent claims must be retained for filing purposes.)
11. The prior application is assigned of record to ORCHID BIOSCIENCES, INC.
12. The power of attorney in the prior application is to Cathryn Campbell, Reg. No. 31,815 and David Gay, Reg. No. 39,200.
13. ☐ A copy of a change in power of attorney or authorization of agent as filed in the prior application (37 CFR 1.63(d)(4)) is enclosed.
14. ☒ A return receipt postcard is enclosed.
15. ☒ A Patent Application Bibliographic Data Sheet is enclosed.
16. ☐ Request for Nonpublication and Certification is enclosed.
17. ☐ A copy of the Petition for Extension of Time filed on ____ (date) _____ in prior application serial number _____ is enclosed.
18. ☒ Also enclosed: Appointment of Associate Attorney.

10034882 122701

The filing fee is calculated below:

	NUMBER FILED		NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS	27 - 20	=	7	x	\$9 \$18	\$126.00
INDEPENDENT CLAIMS	3 - 3	=	0	x	\$42 \$84	\$0.00
MULTIPLE DEPENDENT CLAIMS ____ YES _____ X _____ NO					\$140 \$280	\$0.00
BASIC FEE					\$370 \$740	\$740.00
TOTAL FEE						\$866.00

19. X A check in the amount of \$866.00 is enclosed. A duplicate copy of this sheet is enclosed.
20. _____ The filing fee is not enclosed. Do not charge our deposit account.
21. X The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

Address all future communications to:

Cathryn Campbell
CAMPBELL & FLORES LLP
4370 La Jolla Village Drive, 7th Floor
San Diego, California 92122
telephone: (858) 535-9001
facsimile: (858) 535-8949
USPTO CUSTOMER NO. 23601

Respectfully submitted,

Date: December 27, 2001

David A. Gay
David A. Gay
Registration No.: 39,200
CAMPBELL & FLORES LLP
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122

____ inventor(s)
____ assignee of complete
interest

X agent of record
____ filed under Sec. 1.34(a)

1003488122701
1022212884E001

Document: A copy of a Patent
Application Declaration
Attorney Docket No.: P-OD 5078

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EL 857041619 US

DATE OF DEPOSIT: December 27, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH
THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO
ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE
AND IS ADDRESSED TO COMMISSIONER FOR PATENTS, WASHINGTON, D.C.
20231.

Antonio De la Cruz
Printed Name of Person Mailing Paper or Fee

Antonio De la Cruz
Signature of Person Mailing Paper or Fee

EL 857041619 US